

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

Document #

7

U.S.C.A. #

U.S.D.C. #

08-w-6034

JUDGE:

KMW

DATE:

AUGUST 12, 2008

Angel, et al

-v-

Mottinay, et al

INDEX TO THE RECORD ON APPEAL

PREPARED BY (NAME): THOMAS R. PISARCZYK  
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DISTRICT COURT DOCKET ENTRIES

DOCUMENT DESCRIPTION

DOC. #

CLERK'S CERTIFICATE

SEE ATTACHED LIST OF NUMBERED DOCUMENTS

( ☒ ) Original Record

( ☐ ) Supplemental Record

The record in the above entitled case was indexed to the U.S.C.A.  
for the Second Circuit on the 12<sup>TH</sup> Day of August, 2008.

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK**

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*Angel, et al*  
-v-  
*Martinez, et al*  
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U.S.C.A. # \_\_\_\_\_

U.S.D.C. # 08-cv-6034

JUDGE: KMW

DATE: AUGUST 12, 2008

**Clerk's Certificate**

I, J. Michael McMahon, Clerk of the Court of the United States District Court for the Southern District of New York, do hereby certify that the certified copy of the docket entries and the original filed papers numbered 1 Through 6, inclusive, constitutes the Original record on appeal in the above entitled proceedings except for the following missing documents:

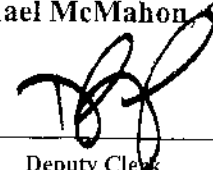
Date Filed

Document Description

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In Testimony Whereof, I have caused the seal of said Court to be hereunto affixed, at the City of New York, this 12<sup>TH</sup> Day of August In this year of our Lord, Two Thousand and Eight, and the Independence of the United States this 233<sup>RD</sup> year.

**J. Michael McMahon, Clerk**

By   
Deputy Clerk

APPEAL, CLOSED, PRO-SE

**U.S. District Court**  
**United States District Court for the Southern District of New York (Foley Square)**  
**CIVIL DOCKET FOR CASE #: 1:08-cv-06034-KMW**  
**Internal Use Only**

Angel et al v. Martinay et al  
Assigned to: Judge Kimba M. Wood  
Demand: \$9,999,000  
Cause: 42:1983 Civil Rights Act

Date Filed: 07/02/2008  
Date Terminated: 07/02/2008  
Jury Demand: Plaintiff  
Nature of Suit: 550 Prisoner: Civil Rights  
Jurisdiction: Federal Question

Date Filed	#	Docket Text
07/02/2008	1	DECLARATION IN SUPPORT OF REQUEST TO PROCEED IN FORMA PAUPERIS. Document filed by Terry Angel.(mbe) (Entered: 07/23/2008)
07/02/2008	2	DECLARATION IN SUPPORT OF REQUEST TO PROCEED IN FORMA PAUPERIS. Document filed by Cassandra Polite Angel.(mbe) (Entered: 07/23/2008)
07/02/2008	3	COMPLAINT against Ralph Abreu, Maquita Moody, Martinay, Pekosz, Mullin, McDermott, Eugene Pocaro, Elaine Roberts, Susan Marlin. Document filed by Terry Angel, Cassandra Polite Angel.(mbe) (Entered: 07/23/2008)
07/02/2008		SUMMONS ISSUED as to Ralph Abreu, Maquita Moody, Martinay, Pekosz, Mullin, McDermott, Eugene Pocaro, Elaine Roberts, Susan Marlin. (mbe) (Entered: 07/23/2008)
07/02/2008		Magistrate Judge Debra C. Freeman is so designated. (mbe) (Entered: 07/23/2008)
07/02/2008	4	ORDER OF DISMISSAL. The Court grant's plaintiff's request to proceed in forma pauperis, but dismiss the complaint for the following reasons. Here, despite plaintiffs' claim of conspiracy, as state above, they fail to allege any facts suggesting a concert of action between defendant Moody, the police officers, the prosecutor and probation officials, to establish the degree of state involvement or interference necessary for a claim under 1983. Accordingly, the complaint, filed in forma pauperis under 28 U.S.C. 1915(a)(1), is dismissed pursuant to 28 U.S.C. 1915(e)(2). The Court certifies pursuant to 28 U.S.C. 1915(a)(3) that any appeal from this order would not be taken in good faith. SO ORDERED. (Signed by Judge Kimba M. Wood on 7/2/2008) (mbe) (Entered: 07/23/2008)
07/02/2008	5	JUDGMENT. Ordered, Adjudged and Decreed: That the complaint be and is hereby dismissed. 28 U.S.C. 1915(e)(2). We certify pursuant to 28 U.S.C. 1915(a)(3) that any appeal from the Court's order will not be taken in good faith. (Signed by Judge Kimba M. Wood on 7/2/2008) (mbe) (Entered: 07/23/2008)
07/24/2008	6	NOTICE OF APPEAL from 4 Order Dismissing Complaint (I.F.P.), 5 Judgment - Sua Sponte (Complaint). Document filed by Terry Angel, Cassandra Polite Angel. (tp) (Entered: 08/11/2008)
07/24/2008		Appeal Remark as to 6 Notice of Appeal filed by Cassandra Polite Angel, Terry Angel. \$455.00 APPEAL FEE DUE. IFP REVOKED 7/2/08. (tp) (Entered: 08/11/2008)
08/11/2008		Transmission of Notice of Appeal and Certified Copy of Docket Sheet to US Court of Appeals re: 6 Notice of Appeal. (tp) (Entered: 08/11/2008)
08/11/2008		Transmission of Notice of Appeal to the District Judge re: 6 Notice of Appeal. (tp) (Entered: 08/11/2008)